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IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. 2:02-CR-519 FCD
	)	
Plaintiff,	)	<b>STIPULATION AND ORDER CONTINUING</b>
	)	<b>STATUS CONFERENCE DATE AND</b>
v.	)	<b>EXCLUDING TIME UNDER THE SPEEDY</b>
	)	<b>TRIAL ACT</b>
JOSE SANCHEZ,	)	
	)	Court: Hon. Frank C. Damrell, Jr.
Defendant.	)	
	)	
	)	

It is hereby stipulated and agreed by and between plaintiff United States of America, on the one hand, and defendant Jose Sanchez, aka Juan Madrigal and Miguel Mejia Ayala, on the other hand, through their respective attorneys, that: (1) the presently set July 19, 2010, status conference shall be continued to August 23, 2010, at 10:00 a.m.; (2) time from the date of the parties' stipulation, July 15, 2010, through, and including, August 23, 2010, shall be excluded from computation of time within which the trial of this matter must be commenced under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(ii) and (iv) and Local Codes T2 (complex and unusual case)

1 and T4 (reasonable time for defense counsel to prepare); and (3)  
2 time from the date of the last status conference hearing on April  
3 26, 2010, to July 19, 2010, shall be excluded from computation of  
4 time within which the trial of this matter must be commenced  
5 under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A)  
6 and (B)(ii) and (iv) and Local Codes T2 (complex and unusual  
7 case) and T4 (reasonable time for defense counsel to prepare).

8 The parties note that defendant Jose Sanchez is the same  
9 person charged as defendant Juan Madrigal and Miguel Mejia Ayala,  
10 in United States v. Juan Madrigal, et al., Case No. 2:09-CR-401  
11 FCD, and District Judge Frank C. Damrell related the instant case  
12 to that case on October 15, 2009.

13 In addition, in the related case, the United States has  
14 produced substantial discovery to defense counsel, Gilbert Roque,  
15 Esq, and he will need additional time to review the discovery.  
16 There have been interviews of both defendants conducted in the  
17 Spanish language and those interviews must be translated to the  
18 English language; and there is significant discovery to be  
19 reviewed by the attorneys and translated through an  
20 English/Spanish interpreter for this Spanish-speaking defendant.

21 Furthermore, Mr. Roque, will need to perform additional work  
22 in the instant case as there is additional significant discovery,  
23 including approximately 823 pages, five cassette tape recordings,  
24 two compact disks, and a videotape, that Mr. Roque will need to  
25 review in order to defend his client's interests. Mr. Roque will  
26 need to review the transcript of approximately 1,304 pages in the  
27 trial of co-defendant Esequiel Quesada Garcia in Case No. 2:02-  
28 CR-519 FCD, to help him prepare his client's defense. Again,

1 there will be significant discovery to be reviewed and translated  
2 through an English/Spanish interpreter for Mr. Roque's Spanish-  
3 speaking client. It is Mr. Roque's desire to attempt to resolve  
4 both cases as part of a comprehensive resolution, if possible.  
5 Consequently, it is Mr. Roque's belief that the unusual and  
6 complex nature of Case No. 2:09-CR-401 FCD spills over to the  
7 instant case and renders the instant case unusual and complex.

8 Also, on behalf of his client, Mr. Roque has requested that  
9 the United States Probation Office prepare pre-plea presentence  
10 reports to help his client understand the possible ramifications  
11 from a guilty plea. It is the understanding of the parties that  
12 the Probation Office will soon release the pre-plea presentence  
13 report to the respective parties. However, Mr. Roque desires  
14 additional time to explain the pre-plea presentence report to his  
15 client and the consequences of a guilty plea.

16 Finally, both the United States and Mr. Roque on behalf of  
17 his client agree that at the last status conference hearing on  
18 April 26, 2010, the parties requested the Court exclude time from  
19 April 26, 2010, to July 19, 2010, pursuant to 18 U.S.C. §  
20 3161(h)(7)(A) and (B)(ii) and (iv) and Local Codes T2 (complex  
21 and unusual case) and T4 (reasonable time for defense counsel to  
22 prepare) in the instant case in the same manner as the Court did  
23 so in the related case. However, perhaps as a result of  
24 inadvertent oversight, the Court minutes for the instant case do  
25 not reflect any appearance on the April 26, 2010, date or any  
26 Speedy Trial Act exclusion. Accordingly, both the United States  
27 and defendant Jose Sanchez stipulate and agree that the Court  
28 should exclude time under the Speedy Trial Act nunc pro tunc from

1 April 26, 2010, to July 19, 2010, pursuant to 18 U.S.C. §  
2 3161(h)(7)(A) and (B)(ii) and (iv) and Local Codes T2 (complex  
3 and unusual case) and T4 (reasonable time for defense counsel to  
4 prepare).

5 Based on these facts, the parties stipulate and agree that  
6 the instant case is unusual and complex and it is unreasonable to  
7 expect adequate preparation for pretrial proceedings and trial  
8 itself within the time limits established in § 3161. In  
9 addition, the parties stipulate and agree that the trial delay  
10 and exclusion of time requested herein is necessary to provide  
11 defense counsel reasonable time to prepare his client's defense  
12 taking into account the exercise of due diligence.

13 Dated: July 15, 2010

/s/ Gilbert Roque

14 \_\_\_\_\_  
GILBERT ROQUE  
Attorney for Defendant  
Juan Madrigal  
15 (per telephone authorization)  
16

17 Dated: July 15, 2010

BENJAMIN B. WAGNER  
UNITED STATES ATTORNEY

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19 By: /s/ Samuel Wong

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SAMUEL WONG  
Assistant U.S. Attorney  
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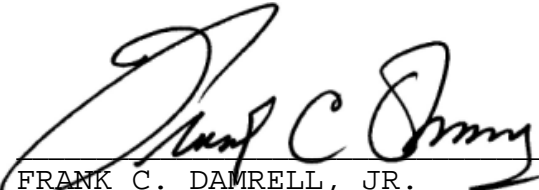
22 **ORDER**

23 The Court, having received, read, and considered the  
24 stipulation of the parties, and good cause appearing therefrom,  
25 adopts the stipulation of the parties in its entirety as its  
26 order. Based on the stipulation of the parties and the  
27 recitation of facts contained therein, the Court finds that this  
28 case is unusual and complex and that it is unreasonable to expect

adequate preparation for pretrial proceedings and trial itself within the time limits established in 18 U.S.C. § 3161. In addition, the Court specifically finds that the failure to grant a continuance in this case would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court finds that the ends of justice to be served by granting the requested continuance outweigh the best interests of the public and the defendants in a speedy trial.

For the reasons stated in the parties' stipulation, the Court orders that: (1) time from April 26, 2010, to July 19, 2010, shall be excluded nunc pro tunc from computation of time within which the trial of this matter must be commenced pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(ii) and (iv) and Local Codes T2 (complex and unusual case) and T4 (reasonable time for defense counsel to prepare); (2) time from the date of the parties' stipulation, July 15, 2010, to and including the new August 23, 2010, status conference hearing date shall be excluded from computation of time within which the trial of this case must be commenced under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(ii) and (iv), and Local Codes T2 (unusual and complex case) and T4 (reasonable time for defense counsel to prepare); and (3) a status conference shall be held on August 23, 2010, at 10:00 a.m.

Dated: July 16, 2010

  
FRANK C. DAMRELL, JR.  
UNITED STATES DISTRICT JUDGE